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Rules, Regulations, Orders

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS [T.D. 50038]

ANTIDUMPING—RIBBON FLY CATCHERS FROM GERMANY¹

DECEMBER, 12, 1939.

*To Collectors of Customs and Others
Concerned:*

After due investigation, in accordance with the provisions of section 201 of the Antidumping Act, 1921, I find that the industry manufacturing ribbon fly catchers in the United States is being and is likely to be injured by reason of the importation into the United States of ribbon fly catchers from Germany, and that such ribbon fly catchers from Germany are being sold and are likely to be sold in the United States at less than their fair value. (Sec. 201, 42 Stat. 11; 19 U.S.C. 160)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 39-4647; Filed, December 14, 1939;
2:29 p. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

PART 55C—TRAVEL

Pursuant to the authority contained in the President's Proclamations Nos. 2374 and 2376 issued on November 4, 1939, in pursuance of sections 1 and 3, respectively, of the Neutrality Act of 1939, approved November 4, 1939, I, Cordell Hull, Secretary of State of the United States, hereby prescribe the following regulation, amending the regulations issued on November 6, 1939,² as amended by regulation issued on November 17, 1939, relat-

¹ This document affects the tabulation in 19 CFR 12.15.

² 22 CFR 55C.1-2 (4 F.R. 4509 DI).

ing to travel on belligerent vessels,³ and also amending the regulations issued on November 17, 1939, relating to travel into or through combat areas.⁴

§ 55C.3 *American nationals in combat areas—(f) American nationals authorized to travel without endorsement—(5) Individuals possessing both American nationality and a foreign nationality.* Individuals who possess both American nationality and a foreign nationality, and who habitually reside in the foreign state of which they are nationals, and who are using passports of such foreign state, may, while en route to and from such state, travel on a belligerent vessel across the English Channel, the Irish Sea, or St. George's Channel without obtaining specific authority and without an American passport endorsed as valid for such travel. Individuals who undertake travel under the conditions indicated shall do so on the understanding that they will look for protection to the foreign state whose passport they carry. (Secs. 1, 3, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Procs. Nos. 2374, 2376, Nov. 4, 1939)

[SEAL] CORDELL HULL,
Secretary of State.

DECEMBER 14, 1939.

[F. R. Doc. 39-4658; Filed, December 15, 1939;
11:29 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

REVISION OF REGULATIONS

PHYSICAL EXAMINATIONS AND INSPECTIONS

Examinations for Insurance Purposes

§ 3.3090 (A) It is deemed necessary in order properly to safeguard the interests of the Government to require a

³ 22 CFR 55C.2 (4 F.R. 4640 DI).

⁴ 22 CFR 55C.3 (b)-(f). (4 F.R. 4641 DI). 22 CFR 55C.3 (a) appeared as paragraph (1) in "Regulations under section 3 of the joint resolution of Congress approved November 4, 1939." (4 F.R. 4510 DI).

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physical examination by a full-time or part-time salaried physician at a regional office or facility of the Veterans

Administration in the following instances, subject to the provisions of currently effective insurance procedure: (1) When an application has been filed by a person for payment of insurance benefits on account of total or total and permanent disability; (2) when requested by the insurance claims council in central office for the purpose of review, as provided by regulation, of claims in which insurance benefits are being paid, to determine if the person has recovered the ability to follow a gainful occupation; (3) when requested by the insurance claims council in order to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date.

(B) Physical examinations required of applicants for insurance, under sections 310 and 311, or either, of the World War Veterans Act, 1924, as amended, or for reinstatement of insurance, may be made free of charge to the applicant or claimant by a full-time or part-time salaried physician at a regional office or facility of the Veterans Administration upon the request of the applicant or claimant, or upon the specific request of the insurance claims council in central office in connection with an application for reinstatement of insurance when deemed necessary by that office in order properly to safeguard the interests of the Government. Physical examinations required of applicants for insurance, under sections 310 and 311, or either, of the World War Veterans Act, 1924, as amended, or for reinstatement of insurance, may be made at applicant's own expense by a physician designated by the Veterans Administration if preferred by the applicant, because of the distance to be traveled or other conditions that make it impracticable for him to appear at a regional office or facility of the Veterans Administration. (December 21, 1939) (45 Stat. 965; 38 U.S.C. 459c)

Examinations and Inspections for Insurance Purposes Where Applicant or Claimant by Reason of His Physical or Mental Condition Is Unable to Appear at a Veterans' Administration Office

§ 3.3091 If an individual is unable to travel, because of physical or mental condition, the manager of a regional office or facility may, on his own initiative or at the request of central office, authorize at Government expense examination at the home of the person to be examined in those instances in which, as provided by Sec. 3.3090 (A), examination by a full-time or part-time salaried physician is deemed necessary properly to safeguard the interests of the Government. Examination at the home of an applicant for reinstatement of insurance can be authorized at Government expense only by central office. (December 21, 1939) (45 Stat. 965; 38 U.S.C. 459c)

Expenses Incident to Examinations for Insurance Purposes

§ 3.3092 (A) Necessary transportation expenses incident to physical examination at regional offices or facilities may be furnished subject to the governing provisions of Sec. 6.6103¹ (B) (3) in the following instances: (1) when, upon filing of an application for payment of insurance benefits, an applicant is ordered to report for examination by the Veterans' Administration to determine existence of total or total and permanent disability; (2) when an individual receiving payments of insurance benefits is ordered to report for the examination by the Veterans' Administration to determine if he has recovered the ability to follow a gainful occupation; (3) when an individual is ordered to report for examination by the Veterans' Administration to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date.

(B) Necessary transportation expenses may be furnished subject to the governing provisions of Sec. 6.6103 (B) (3) incident to a physical examination at a regional office or facility of the Veterans' Administration of an applicant for reinstatement of insurance provided that the applicant was ordered to report for the examination at the specific request of the insurance claims council in central office.

(C) Such expenses will be borne by the United States and will be paid from the appropriation, "Salaries and Expenses, Veterans' Administration." Transportation, meal and lodging requests in connection with reporting to and returning from the place of examination will be furnished the applicant or claimant provided prior authority has been given for the travel. Travel incident to such an examination by salaried employees of the Veterans' Administration will be in accordance with the Standardized Government Travel Regulations. If such examination is made by a medical examiner on a fee basis, the fee will be based on the Schedule of Fees for Medical Services, Veterans' Administration, in force at the time the examination is made.

(D) Transportation expenses will not be furnished for examinations on applications for reinstatement of insurance or on applications for payment of insurance benefits on account of total or total and permanent disability where the applicants were not ordered to report for the examination by the Veterans' Administration, or on applications for new insurance. (December 21, 1939) (45 Stat. 965; 38 U.S.C. 459c)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 39-4660; Filed, December 15, 1939; 11:36 a. m.]

REVISION OF REGULATIONS

BURIAL AND FUNERAL EXPENSES AND TRANSPORTATION OF BODIES OF VETERANS

"Veteran of Any War"—Definition of

§ 2.2694¹ (A) *Persons included.* The term "veteran of any war" for the purpose of adjudicating claims for direct payment of or reimbursement for burial, funeral and transportation expenses incurred in behalf of deceased veterans where death was on or subsequent to March 20, 1933, will include: (1) Civil War, any honorably discharged member of the active military or naval service of the United States who served during the Civil War subsequent to April 11, 1861, and prior to May 27, 1865, including those persons who served as members of State organizations participating in the Civil War for whose services the State has been reimbursed by the United States Government. Nothing herein shall be construed to exclude from the definition any person who was receiving pension as a Civil War veteran under the Civil War service pension laws or who was not entitled to pension under such Civil War pension service laws solely because of length of service or as to whom any special act of Congress has been enacted which provides that such person shall be considered as having rendered military service during the Civil War; (2) Indian Wars, any veteran of any Indian War, as formerly contemplated by the provisions of Section 201 (1) of the World War Veterans Act, 1924, as amended, and regulations, precedents, and instructions issued pursuant thereto, or a person who at time of his death was receiving a pension in accordance with the provisions of the laws governing the payment of a pension as a veteran of an Indian War; (3) Spanish-American War, any honorably discharged officer or enlisted man who was employed in the active military or naval service of the United States on or after April 21, 1898 and before August 13, 1898, including those women who served as army nurses under contract during this period and including any honorably discharged person who died on or after March 19, 1935, and who served in the military or naval service of the United States between August 13, 1898 and July 4, 1902, both dates inclusive, who left the continental United States under orders for military or naval service in Guam, Cuba, or Puerto Rico, between such dates inclusive; where death occurred on or after May 3, 1939, any honorably discharged officer or enlisted man who was employed in the active military or naval service of the United States on or after April 21, 1898 and before April 12, 1899, including those women who served as army nurses under contract and persons who served overseas as contract surgeons of the army during this

period; (4) Philippine Insurrection, any honorably discharged officer or enlisted man employed in the active military or naval service of the United States including those women who served as army nurses under contracts, who actually participated in the Philippine Insurrection on or after August 13, 1898 and before July 5, 1902, provided, however, if the person was serving in the United States military forces engaged in the hostilities in the Moro Province the ending date shall be July 15, 1903; where death occurred on or after May 3, 1939, any honorably discharged officer or enlisted man who was employed in the active military or naval service of the United States on or after April 12, 1899 and before July 5, 1902 (or who served in the Moro Province, Philippine Islands, before July 16, 1903) including those women who served as army nurses under contract or who served in the nurse corps (female) [and including contract surgeons of the army who served overseas on or after April 12, 1899 and before July 5, 1902]; (5) Boxer Rebellion, any honorably discharged officer or enlisted man, including those women who served as army nurses under contracts, employed in actual participation in the Boxer Rebellion on or after June 20, 1900 and before May 13, 1901; (6) World War, any honorably discharged officer, enlisted man, member of the Army Nurse Corps (female), Navy Nurse Corps (female), who was employed in the active military or naval service of the United States on or after April 6, 1917 and before November 12, 1918, provided, however, that if the person was serving in the United States military forces in Russia the ending date will be extended to April 1, 1920 (the provisions of Section 5, Public No. 304, 75th Congress, are not applicable to burial claims); (7) any enlisted man or officer of the Army, Navy, or Marine Corps in retirement status at the date of death if shown to have served honorably during the period of any war. Where death occurs on or after March 28, 1934, (except as provided in (B), below), and the other requirements of this paragraph have been met, an honorable discharge will not be required if the veteran was in receipt of pension, compensation, or emergency officers retirement pay at the time of his death. (V.R. No. 9 (c)) (December 21, 1939)

Death Occurring While Traveling Under Prior Authorization or in a Veterans' Administration Facility

§ 2.2696¹ (E) A veteran [or patient] of a Veterans' Administration facility who dies away from such facility from which he has been granted a leave of absence of not to exceed seven days, or who has been absent without leave from such facility for not to exceed seven days, may be considered to have died in a Veterans' Administration facility within the meaning of the law and regulations governing the

payment of burial expenses. (December 15, 1939).

[SEAL]

FRANK T. HINES,
Administrator.[F. R. Doc. 39-4659; Filed, December 15, 1939;
11:36 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 411-FD]

IN THE MATTER OF THE APPLICATION OF
ANKENY COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Ankeny Coal Company with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of certain transactions in intrastate commerce; and

Ralph Lucas having succeeded Ankeny Coal Company in the production of coal from the mine referred to in said application (said Ralph Lucas and Ankeny Coal Company being hereinafter referred to as the applicant); and

Applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 17, 1939, a copy of which is hereby annexed and made a part hereof,¹ to which District Board No. 12 has agreed, consenting to discontinuance and dismissal of said application; and

Applicant and counsel for the Bituminous Coal Division having consented to this order;

It is ordered, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL]

H. A. GRAY,
Director.[F. R. Doc. 39-4664; Filed, December 15, 1939;
12:02 p. m.]

[Docket No. 452-FD]

IN THE MATTER OF APPLICATION OF CON
SOLIDATED COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated December 29, 1937, pursuant to the provisions of the

¹ Not filed as a part of the original document; requests for copies should be addressed to the Bituminous Coal Division.

¹ 3 F.R. 3018 DI., 4 F.R. 3506 DI.

second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Consolidated Coal Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 11, 1939, a copy of which is hereto annexed and made a part hereof,¹ to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

It is ordered, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 39-4665; Filed, December 15, 1939;
12:02 p. m.]

[Docket No. 453-FD]

IN THE MATTER OF THE APPLICATION OF
GILLESPIE COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated December 28, 1937, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Gillespie Coal Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 11, 1939, a copy of which is hereto annexed and made a part hereof,¹ to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

¹ Not filed as a part of the original document; requests for copies should be addressed to the Bituminous Coal Division.

It is ordered, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 39-4666; Filed, December 15, 1939;
12:02 p. m.]

[Docket No. 454-FD]

IN THE MATTER OF THE APPLICATION OF
NOKOMIS COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated January 10, 1938, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Consolidated Coal Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 14, 1939, a copy of which is hereto annexed and made a part hereof,¹ to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

It is ordered, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 39-4667; Filed, December 15, 1939;
12:02 p. m.]

[Docket No. 511-FD]

IN THE MATTER OF THE APPLICATION OF
MOUNT OLIVE COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated January 27, 1938, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Mount Olive Coal Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the

Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 11, 1939, a copy of which is hereto annexed and made a part hereof,¹ to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

It is ordered, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 39-4668; Filed, December 15, 1939;
12:03 p. m.]

[Docket No. 513-FD]

IN THE MATTER OF APPLICATION OF W. J.
ROBERTSON FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated September 13, 1938, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by W. J. Robertson (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 14, 1939, a copy of which is hereto annexed and made a part hereof,¹ to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

It is ordered, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 39-4669; Filed, December 15, 1939;
12:03 p. m.]

[Docket No. 515-FD]

IN THE MATTER OF THE APPLICATION OF
UNION COLLIERY COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated January 10, 1938 and amended application dated September 20, 1938, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Union Colliery Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of certain transactions in coal in intrastate commerce; and,

Applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 15, 1939, a copy of which is hereby annexed and made a part hereof,¹ to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Applicant and counsel for the Bituminous Coal Division having consented to this Order;

It is ordered, That the above application and amended application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 39-4670; Filed, December 15, 1939;
12:03 p. m.]

[Docket No. 1107-FD]

IN THE MATTER OF THE APPLICATION OF
SAYRE MINING COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Sayre Mining Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of certain transactions in coal in intrastate commerce; and

Applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 20, 1939, to which District Board No. 12 has agreed, consenting to discontinuance and dismissal of said application; and

Applicant and counsel for the Bituminous Coal Division having consented to this order;

¹ Not filed as a part of the original document; requests for copies should be addressed to the Bituminous Coal Division.

It is ordered, That the above application be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 39-4671; Filed, December 15, 1939;
12:03 p. m.]

[Docket No. 1169-FD]

IN THE MATTER OF THE APPLICATION OF
MT. OLIVE & STAUNTON COAL CO. FOR
EXEMPTION

ORDER OF DISCONTINUANCE

An application dated November 17, 1939, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Mt. Olive & Staunton Coal Co. (hereinafter referred to as the applicant) with the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 30, 1939, a copy of which is hereto annexed and made a part hereof,¹ to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this Order;

It is ordered, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 39-4672; Filed, December 15, 1939;
12:04 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[RCP-1939-1 Chase County, Kans.]

1939 RANGE CONSERVATION PROGRAM BULLETIN FOR CHASE COUNTY, KANSAS

SUPPLEMENT NO. 1

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Range Conservation Program Bulletin for Chase County, Kansas, issued February 13, 1939,² is hereby amended as follows:

² 4 F. R. 939 DI.

Section 3, Practice (a) is hereby amended to read as follows:

Practices and Conditions of Payment;
Rate of Payment

Reseeding of Range Land

(a) *Restoration of the natural forage by limited grazing of range land.* (1) For the grazing of all range land in the ranching unit by a total number of animal units not in excess of the established grazing capacity thereof, provided, the total animal months of grazing use on a ranching unit (as used in this Section, ranching unit shall also mean the ranching subunit) during the year shall not exceed the number computed for the respective period of grazing use according to the following formula:

4 or more months of grazing use 12.0 times the animal units of grazing capacity.

3 months 11.0 times grazing capacity.

2 months or less 10.0 times grazing capacity except that if all livestock are withheld from grazing on the ranching unit during the period from April 15 to May 15, the total animal months of grazing use during the year may be increased to a number not larger than 12 times the animal units of grazing capacity, irrespective of the number of months of grazing use.

Payment shall be made only on condition that (1) the operator notifies the county committee prior to turning any livestock on the range and prior to the removal of livestock therefrom; (2) the operator gives the county committee an adequate opportunity to check the number of livestock grazing on the ranching unit or subunit at any time; (3) only those ranching units shall be approved for this practice by the county committee where the ranching unit and each subunit is fenced and the fences are maintained, and where stock water is located so as to insure the proper distribution of livestock within each subunit; (4) the county committee determines that any controlled burning of range land was performed at such a time or in such a manner as not to defeat the purposes of the 1939 Chase County, Kansas, Range Conservation Program; and (5) the grazing land in the ranching unit at no time shall be stocked to such an extent as will decrease the stand of grass or injure the forage growth or watershed.

Payment: 40% of the range-building allowance computed under Section 4.

(2) In addition to compliance with the provisions of subsection (a) under this Practice (a)-(1) the ranch operator complies with such other conditions or specifications as may be established by the county committee, in accordance with instructions issued by the State Committee, where the county committee determines such additional conditions or specifications are needed in the interest of range conservation; or (2) if the

county committee determines that additional conditions or specifications are not needed in the interest of range conservation, the stocking rate approved for the ranching unit is determined by the county committee, in accordance with a procedure approved by the State Committee, to be a reduction of 20% or more from the normal stocking rate.

Payment: 20% of the range-building allowance computed under Section 4.

Done at Washington, D. C., this 14th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 39-4661; Filed, December 15, 1939;
11:40 a. m.]

Rural Electrification Administration.

[Administrative Order No. 416]

AMENDMENT OF PRIOR ALLOCATION OF FUNDS

DECEMBER 9, 1939.

I hereby amend Administrative Order No. 413, dated November 22, 1939, by rescinding the allocation of \$124,330 therein made for Mississippi 0017B1 Pontotoc; the allocation of \$113,670 therein made for Mississippi 9017B2 Pontotoc; and the allocation of \$404,500 therein made for Mississippi 9029E1 Oktibbeha.

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-4662; Filed, December 15, 1939;
11:40 a. m.]

[Administrative Order No. 417]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Mississippi 0029F1 Oktibbeha.....	\$124,330
Mississippi 9029F2 Oktibbeha.....	154,670
Mississippi 9050A1 Chickasaw.....	369,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-4663; Filed, December 15, 1939;
11:40 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF DESIGNATION OF PRESIDING OFFICER FOR HEARING ON MINIMUM WAGE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 4 FOR THE HAT INDUSTRY

Whereas, the Notice of Hearing¹ on Minimum Wage Recommendations of

Industry Committee No. 4 for the Hat Industry provided that said hearing will be held before a presiding officer to be designated by the Administrator before December 18, 1939; and

Whereas, the issues to be presented at said hearing have been narrowly confined by Sections 8 (b) and 8 (c) of the Fair Labor Standards Act of 1938 and by the report and recommendations of Industry Committee No. 4;

Now, therefore, it is hereby ordered and notice is hereby given that:

1. Oscar R. Strackbein be the Presiding Officer at said hearing on the minimum wage recommendations of Industry Committee No. 4 and conduct said hearing in accordance with the rules published in the notice of said hearing; and

2. No intermediate report will be prepared by the Presiding Officer unless so directed by the Administrator, but in lieu thereof, the Presiding Officer shall turn over to the Administrator at the close of the hearing the complete record of the proceedings had before him and the Administrator shall thereafter hear oral argument or accept written briefs upon said record or both as he may determine.

Signed at Washington, D. C., this 15th day of December 1939.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 39-4676; Filed, December 15, 1939;
12:44 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 63]

FILING OF FOREIGN TELEGRAPH COMMUNICATION STATEMENT

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of December, 1939,

Pursuant to Section 218 of the Communications Act of 1934, as amended, for the purpose of obtaining information necessary to enable the Commission to perform its duties and carry out the objects for which it was created,

It is ordered, That every common carrier subject to the Communications Act engaged in foreign telegraph communication shall file with the Commission not later than February 1, 1940, in duplicate, under oath (on a form like that attached hereto,¹ for each country, and in accordance with the instructions thereon) a statement showing the following information separately for full rate ordinary (subclassified by plain language and cipher messages) full rate urgent (subclassified by plain language and cipher messages) CDE ordinary, CDE urgent, ordinary press, urgent press, deferred press (LC) United States Government ordinary, United States Government CDE, Foreign Government ordinary,

Foreign Government CDE, deferred (LC), letter (NLT and DLT) telegrams, and all other paid messages, by separate classifications and subclassifications, transmitted or received by such carrier during the twenty-four hour periods on the seven days following (showing only the totals for the seven days): November 4, 5, 8, 9, 14, 17 and 27, 1939.

1. Number of messages and words originated in each country outside the continental United States (including Hawaii and the Philippine Islands and excluding Canada and Mexico) for delivery in the continental United States, shown separately by countries of origin;

2. Number of messages and words originated in the continental United States, transmitted by such carrier and destined to each country outside the continental United States (including Hawaii and the Philippine Islands, and excluding Canada and Mexico) shown separately by countries of destination;

3. Number of messages and words between foreign countries (including Hawaii and the Philippine Islands) relayed in the continental United States; showing separately the inbound traffic of this nature to the continental United States for relay, by countries of origin; and showing separately the outbound traffic of this nature from the continental United States, by countries of destination; excluding traffic between Canada and Mexico; and

4. Number of messages and words between fixed stations in the continental United States and mobile stations showing separately the number of such messages and words originated in or destined to points in the continental United States and the number of such messages and words originated in or destined to foreign countries, relayed through fixed stations in the continental United States (including Hawaii and the Philippine Islands).

For the purposes of this order, the continental United States shall include the several states and the District of Columbia only.

In connection with messages in classifications where there is a chargeable minimum, the number of paid words actually sent shall be shown.

The classifications of messages set forth herein are for convenience only and nothing contained shall be construed as approval by the Commission of such classifications.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-4675; Filed, December 15, 1939;
12:40 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in

¹ 4 F. R. 4703 DL.

¹ Filed as a part of the original document; requests for copies should be addressed to the Federal Communications Commission.

the City of Washington, D. C., on the 13th day of December, A. D. 1939.

Commissioners: Robert E. Freer, chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3888]

IN THE MATTER OF H. G. HORNIBROOK, AN INDIVIDUAL, AND APEX OIL PRODUCTS COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 9, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 208, Federal Building, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4648; Filed, December 15, 1939; 10:22 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3964]

IN THE MATTER OF FONG POY, ALSO KNOWN AS FONG WAN, FONG KWONGH, YEE NUN YET, CHAN WOON SHEUNG, AND LEE BING LIM, COPARTNERS OPERATING UNDER THE FIRM NAME OF FONG WAN

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in

this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 8, 1940, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 548, Federal Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4649; Filed, December 15, 1939; 10:22 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

IN THE MATTER OF JULIAN H. BACHRACH, 30 BROAD STREET, NEW YORK, NEW YORK

MEMORANDUM OPINION AND ORDER SUSPENDING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as an over-the-counter dealer of Julian H. Bachrach should be revoked or suspended.

At the hearing held pursuant to the Commission's order on October 2, 1939, at New York, N. Y., the registrant failed to appear personally or by counsel. Notice of the hearing had been sent to registrant by registered mail, but had not been received by him because he had moved from the address which he had given the Commission.

The Trial Examiner filed an advisory report in which he found, as alleged in the Commission's order of September 11, 1939, that the registrant had violated the provisions of Rule X-15B-2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Securities Exchange Act of 1934 in that he has failed to inform the Commission of a change in his business address. On an independent review of the record, we adopt the Trial Examiner's findings. We further find that on February 18, 1939, registrant was suspended from membership in the New York Curb Exchange for non-payment of dues; that he has failed to inform the Commission of such suspension; and that Rule X-15B-2 was wilfully violated.

Because notice was not received by Bachrach, we will not order revocation of his registration. However, we find that it is necessary in the public interest and for the protection of investors that Bachrach's registration be suspended pending final determination of whether or not the registration should be revoked, which matter will be determined when Bachrach comes in to be heard or notice is received by him.

It is therefore ordered, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of Julian H. Bachrach be, and the same hereby is, suspended until further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4650; Filed, December 15, 1939; 11:24 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

IN THE MATTER OF STEWART M. DEVINE, 9 ARBUTUS AVENUE, CATONSVILLE, MARYLAND

MEMORANDUM OPINION AND ORDER
SUSPENDING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as an over-the-counter dealer of Stewart M. Devine should be revoked or suspended.

At the hearing held pursuant to the Commission's order on October 5, 1939, at Washington, D. C., the registrant failed to appear personally or by counsel. Notice of the hearing had been sent to registrant by registered mail, but had not been received by him because he had moved from the address which he had given the Commission. Thereafter, the order and notice of the hearing were published in the FEDERAL REGISTER for September 16, 1939, in the manner prescribed by the Federal Register Act.

The Trial Examiner filed an advisory report in which he found, as alleged in the Commission's order of September 13, 1939, that the registrant had violated the provisions of Rule X-15B-2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Securities Exchange Act of 1934 in that he has failed to inform the Commission of a change in his business address. On an independent review of the record, we adopt the Trial Examiner's findings and find that Rule X-15B-2 was wilfully violated.

Because notice was not received by Devine, we will not order revocation of his registration. However, we find that it is necessary in the public interest and for the protection of investors that De-

vine's registration be suspended pending final determination of whether or not the registration should be revoked, which matter will be determined when Devine comes in to be heard or notice is received by him.

It is therefore ordered, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of Stewart M. Devine be, and the same hereby is, suspended until further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4651; Filed, December 15, 1939;
11:24 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

IN THE MATTER OF W. H. TOTSCH, 427
COOPER STREET, CAMDEN, NEW JERSEY

MEMORANDUM OPINION AND ORDER REVOKING
REGISTRATION

This is a proceeding, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, to determine whether the registration of W. H. Totsch as an over-the-counter dealer, should be revoked or suspended.

After appropriate notice, a hearing was held before a Trial Examiner on October 4, 1939. The registrant failed to appear personally or by counsel. The Trial Examiner filed an advisory report in which he found that on June 6, 1939, the registrant pleaded guilty in the Court of Common Pleas, Crawford County, Ohio, to an indictment charging him with selling securities without a license and selling securities without registering with the Securities Division of the State of Ohio; and that the Court deferred sentence and placed the registrant on probation for a period of three years upon condition that he refrain from future unlawful conduct, report to a probation officer on the first day of each month, and pay the costs of the prosecution. The Trial Examiner further found that the registrant had filed no supplemental statement to his application, revealing the aforesaid indictment and prosecution as required by Rule X-15B-2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Act. On an independent review of the record, we adopt the Trial Examiner's findings, and find that the registrant's failure to file the required supplemental statement revealing said indictment and prosecution constituted a wilful violation of Rule X-15B-2, and that it is in the public interest to revoke his registration as an over-the-counter dealer.

It is therefore ordered, Pursuant to Section 15 (b) of the Securities Ex-

change Act of 1934, that the registration of W. H. Totsch be, and the same hereby is, revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4652; Filed, December 15, 1939;
11:24 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

[File Nos. 56-64, 46-180]

IN THE MATTER OF WALNUT ELECTRIC &
GAS CORPORATION AND JOSEPH M. NELSON

ORDER APPROVING AMENDED APPLICATION

Walnut Electric & Gas Corporation having filed an application, and an amendment thereto, pursuant to Rule U-12D-1 promulgated under Section 12 (d) of the Public Utility Holding Company Act of 1935, for approval of the sale of certain securities of its subsidiary, Vermont Lighting Corporation, consisting of \$24,400 principal amount of First Mortgage 5% Bonds due 1944, 909 shares of 6% preferred stock, \$100 par value, and 2,970 shares of common stock, \$100 par value, open account indebtedness of Vermont Lighting Corporation in the amount of \$35,000, and certain securities of its subsidiary, St. Johnsbury Gas Company consisting of 1,000 shares of capital stock; Joseph M. Nelson having filed an application pursuant to Section 10 (a) (1) of said Act for the approval of the acquisition of said securities; said applications having been joined for hearing and the proceedings therein having been consolidated;

A public hearing on said applications, as amended, having been duly held after appropriate notice; the record having been examined, and the Commission having made and filed its findings and opinion herein;

It is ordered, That the applications, as amended, filed by Walnut Electric & Gas Corporation and by Joseph M. Nelson be and the same hereby are approved subject to the following terms and conditions, which are severally imposed upon the applicants insofar as they may be applicable to either of them:

(1) That all acts in connection with the said sale and acquisition of securities shall be performed in accordance with the terms and conditions of and for the purposes represented by the said applications, as amended;

(2) That within ten days after the said sale of securities, Walnut shall file with this Commission a certificate of notification stating that the sale has been effected in accordance with the terms and conditions of and for the purposes repre-

sented by its said application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4653; Filed, December 15, 1939;
11:24 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1939.

[File No. 1-276]

IN THE MATTER OF LEHIGH VALLEY COAL
COMPANY FIRST AND REFUNDING MORT-
GAGE SINKING FUND GOLD BONDS, 5%
SERIES OF 1924, DUE FEBRUARY 1, 1944

ORDER GRANTING APPLICATION TO STRIKE
FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 promulgated thereunder, having made application to strike from listing and registration the First and Refunding Mortgage Sinking Fund Gold Bonds, 5% Series of 1924, due February 1, 1944, of the Lehigh Valley Coal Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and for the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on March 12, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4655; Filed, December 15, 1939;
11:25 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of December 1939.

[File No. 1-900]

IN THE MATTER OF WARREN BROTHERS COM-
PANY \$1 CUMULATIVE FIRST PREFERRED
STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO
STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1(b) promulgated thereunder, having made application to strike from listing and registration the \$1 Cumulative First Preferred Stock, No

Par Value, of Warren Brothers Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, January 2, 1940, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4657; Filed, December 15, 1939;
11:25 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1939.

[File No. 32-167]

IN THE MATTER OF NORTHERN INDIANA
PUBLIC SERVICE COMPANY
ORDER APPROVING APPLICATION FOR
EXEMPTION, ETC.

Northern Indiana Public Service Company (hereinafter sometimes termed "Applicant"), a direct subsidiary of the Successor Trustees of Midland Utilities Company, a registered holding company, and an indirect subsidiary of the Trustees of the Estate of Midland United Company, also a registered holding company, having filed an application, and amendments thereto, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of \$45,000,000 principal amount of First Mortgage Bonds, Series A, 3¾%, due August 1, 1969, and \$6,000,000 face amount of 2½% Serial Notes maturing in twenty equal semi-annual instalments;

A public hearing having been held on said application, as amended, after appropriate notice; the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

No. 243—2

It is ordered, That said application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of \$45,000,000 principal amount of First Mortgage Bonds, Series A, 3¾%, due August 1, 1969, and \$6,000,000 face amount of 2½% Serial Notes maturing in twenty equal semi-annual instalments be, and it hereby is, approved;

And it is further ordered, That the following terms and conditions be imposed upon Northern Indiana Public Service Company:

(a) That the issue and sale of the bonds and notes shall be effected in accordance with the terms of, and for the purposes represented by, the application, as amended;

(b) That if the express authorization of the issue and sale of such securities by the State of Indiana Public Service Commission shall be revoked or otherwise terminated, this exemption shall immediately terminate without further order of this Commission;

(c) That the bonds and notes proposed to be issued shall be issued within thirty (30) days after the date of this order;

(d) That within ten (10) days after the issue and sale of such securities the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of and for the purposes represented by said application, as amended; and

(e) That except as the Commission may by order or orders from time to time otherwise provide, or except as may be ordered by any other regulatory body having jurisdiction in the premises (in which event this Commission shall be notified by the applicant of such order) Northern Indiana Public Service Company (and any successor or successors thereto) shall charge against income, for each calendar year beginning with the year 1940 and continuing so long as any of the First Mortgage Bonds, Series A, 3¾%, due August 1, 1969, are outstanding, as a provision for depreciation, at least \$1,700,000 per annum and, for each calendar year after the calendar year 1940, an additional two and one-half per cent (2½%) of the book value of net additions to depreciable property made after January 1, 1940, and up to the close of the preceding calendar year.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4654; Filed, December 15, 1939;
11:25 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 13th day of December, A. D. 1939.

[File No. 32-187]

IN THE MATTER OF POTOMAC ELECTRIC
POWER COMPANY

ORDER GRANTING APPLICATION FOR
EXEMPTION

Potomac Electric Power Company, a direct subsidiary of Washington Railway and Electric Company and an indirect subsidiary of The North American Company, both registered holding companies, having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by said applicant of said applicant's First Mortgage Bonds, 3¾% Series due 1974, in the principal amount of \$5,000,000; a public hearing upon said application, as amended, having been duly held after appropriate notice; the record herein having been examined by the Commission, and the Commission having made its findings herein;

It is ordered, That said application for exemption be, and the same is hereby, granted, subject, however, to the following conditions:

(1) That the issue and sale of such securities shall be effected in accordance with the terms and conditions set forth in, and for the purposes represented by, said application and amendments thereto; and

(2) That within ten days after the issuance of the aforesaid securities the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application and amendments thereto; and

(3) That this exemption shall immediately terminate without further order of this Commission if the express authorization of the issue and sale of the aforesaid securities by the Public Utilities Commission of the District of Columbia shall be revoked or otherwise terminate; and

(4) That except as the Commission may by order or orders from time to time permit, so long as any of the First Mortgage Bonds, 3¾% Series due 1974, are outstanding, the applicant shall not, nor shall any successor or successors of applicant, declare or pay any dividends (other than dividends payable solely in shares of its stock) or make any other distribution on any shares of its common stock, or make any disbursement for the purchase or retirement of any of its common stock, unless the amount expended or accrued by applicant (or any such successor or successors) for maintenance and repairs plus provisions for retirements out of income earned during the period from the close of business on December 31, 1939, to the date of the proposed payment of such dividend or making of such distribution or disbursement

shall be at least equal to fifteen per cent. (15%) of the gross operating revenues of applicant (or any such successor or successors) during such period derived from the sale of electricity after the deduction therefrom of an amount equal to the cost to applicant of electricity purchased and resold, and rentals paid for electric generating, transmission or distribution properties leased by applicant, and payments by applicant for the use of similar properties operated and maintained by others during such period: *Provided, however*, That any transfers to the earned surplus of applicant from net income earned after December 31, 1939, over and above all such dividends, distributions, and disbursements (including the dividends then to be paid, or the distributions or disbursements then to be made) may be used as a credit to offset any deficiency in the amount expended or accrued for maintenance and repairs plus provisions for retirements out of income earned after December 31, 1939, in satisfying the aforementioned fifteen per cent. (15%) requirements.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4656; Filed, December 15, 1939;
11:25 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of December, A. D. 1939.

[File Nos. 1-627 and 1-627-2]

IN THE MATTER OF THE REGISTRATION OF A.
HOLLANDER & SON, INC., CAPITAL STOCK
\$5 PAR VALUE

ORDER AMENDING ORDER FOR PROCEEDINGS
AND CHANGING DATE OF HEARING

The Commission on November 22, 1939 having ordered that a hearing be held to determine whether the registration of A. Hollander & Son, Inc. \$5 Par Value Capital Stock on the New York Stock Exchange should be suspended or withdrawn, pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, and having set December 18, 1939 as the date of such hearing; and

On December 13, 1939, counsel for the Commission and counsel for the respondent herein having joined in a request for a postponement of said hearing until January 22, 1940 for the purpose of stipulating certain of the facts involved; and

The Commission having duly considered the matter and being fully advised in the premises;

It is ordered, That the order for said hearing, adopted by the Commission on November 22, 1939, be and the same is hereby amended to change the date of commencement of said hearing from

10:00 A. M. on December 18, 1939 to
10:00 A. M. on January 22, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4673; Filed, December 15, 1939;
12:20 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1939.

[File No. 43-277]

IN THE MATTER OF EASTERN SHORE PUBLIC
SERVICE COMPANY (DEL.) ET AL.

NOTICE OF AND ORDER FOR HEARING

A declaration and applications pursuant to section 6 (b) and section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on January 8, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That James O. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 3, 1940.

The matter concerned herewith is in regard to the issuance and sale of the following securities:

(1) Eastern Shore Public Service Company (Del.) proposes, pursuant to Section 7 of the Act, to issue a two-year 3% Bank Note in the principal amount of \$1,000,000 to be secured by \$1,100,000 First Mortgage 5% Bonds, Series C, due 1946, the declaration also embracing the issuance of said bonds. It is proposed to sell the note to The Chase National Bank at par. The proceeds are to be used in part to acquire bonds of Delmarva

Power Company, a subsidiary company, and the remainder is to be used as a cash advance to the same company. This subsidiary proposes to use the funds to construct a steam generating plant;

(2) The Delmarva Power Company, a wholly-owned subsidiary of the Eastern Shore Public Service Company (DEL.), seeks, pursuant to Section 6 (b) of the Act, exemption from the provisions of Section 6 (a) of the issue and sale of its First Mortgage 4% Bonds, due in 1969, in the principal amount of \$1,750,000. These bonds are to be used to retire presently outstanding bonds in the principal amount of \$1,150,000 held by applicant's parent. The remaining \$600,000 is to be used as part payment for the construction of a new generating plant for applicant;

(3) Eastern Shore Public Service Company of Virginia, a wholly-owned subsidiary of Eastern Shore Public Service Company (DEL.), seeks, pursuant to Section 6 (b) of the Act, exemption from the provisions of Section 6 (a) of the issue and sale of its First Mortgage 4% Bonds, due 1969, in the principal amount of \$1,372,500. These bonds are to be issued to retire presently outstanding bonds in the principal amount of \$1,247,500 held by applicant's parent. The balance of the proceeds are to be used to repay advances previously made by applicant's parent; and

(4) Eastern Shore Public Service Company of Maryland, a wholly-owned subsidiary of Eastern Shore Public Service Company (DEL.), seeks, pursuant to Section 6 (b) of the Act, exemption from the provisions of Section 6 (a) of the issue and sale of its First Mortgage 4% Bonds, due 1969, in the principal amount of \$2,142,500, and 2,855 shares of \$100 par stock. The bonds are to be used to retire presently outstanding bonds in the principal amount of \$1,742,500 held by applicant's parent. The remaining proceeds are to be used to repay advances from applicant's parent and from The Delmarva Power Company.

The applications state that the necessary action has been taken by the State Commissions having jurisdiction in these matters.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4674; Filed, December 15, 1939;
12:20 p. m.]

UNITED STATES TARIFF COMMISSION.

WHEAT AND WHEAT PRODUCTS

INVESTIGATION NO. 3 UNDER SECTION 22 OF
THE AGRICULTURAL ADJUSTMENT ACT, AS
AMENDED

Investigation Ordered

Institution of investigation. By direction of the President, dated December

13, 1939, the United States Tariff Commission on the 14th day of December 1939 instituted, and hereby gives notice of an investigation, under Section 22 of the Agricultural Adjustment Act (of 1933), as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether wheat or wheat products are being imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with the program

undertaken with respect to wheat, under the Soil Conservation and Domestic Allotment Act, as amended, or to reduce substantially the amount of any product processed in the United States from wheat.

Hearing. The date of hearing in this investigation has not been determined but will be announced subsequently.

Regulations. Copies of the regulations adopted for investigations under Section 22 may be obtained on application to the United States Tariff Commission, Wash-

ington, D. C., or to the New York office of the Commission, Room 712, Custom House, New York City.

I hereby certify that the above investigation was ordered by the United States Tariff Commission on the 14th day of December 1939.

[SEAL]

SIDNEY MORGAN,
Secretary.

Notice issued December 14, 1939.

[F. R. Doc. 39-4677; Filed, December 15, 1939;
1:30 p. m.]

